

REMARKS

It is respectfully requested that this preliminary amendment be entered prior to initial examination on the merits.

In the BPAI Decision mailed May 10, 2002, neither the Board nor the Examiner considered certain arguments that distinguished the present invention over the cited prior art because it was determined that these points of distinction were not specifically recited in the claims. See BPAI Decision, p. 12, first full paragraph. These points of distinction include, among others, the capacity of local memories and the process of determining if a requested document is stored locally before requesting the data from a central site. Applicants have amended the claims to address these and other limitations. Support for these limitation can be found in Applicants' specification, for example, on p. 53, lines 20-22, and on p. 54, lines 20-22. New claim 33 generally parallels cancelled claims 1-12 and 21. New claim 34 generally parallels cancelled claims 14-20 and 22. New claims 35-43 generally parallel cancelled claims 23-32.

As previously noted in the Applicants' Appeal Brief, the Examiner alleges that Cukor (USP 5,168,444) describes local storage in column 11, lines 11-12. What the examiner fails to realize in this citation is how small the local storage is. See column 6, lines 43 - 48. From the context of the citation, it appears that Cukor is only providing enough memory to support the daily transactions and not long term storage. At the beginning of the next day, those documents stored on the 80 megabytes of memory will presumably be overwritten by that day's documents. This is not "storage." Instead

this is a temporary buffer used to hold the images before they are transmitted to the central processing station. See column 11, lines 1 - 16. This fact is further supported by Cukor's assertion in column 7, lines 21 - 25 that the presumably centralized processing site forwards images to the remote stations in order to fulfill customer inquiries. Cukor's system does not check to determine if the requested document is stored locally before requesting the data from the central processing site. The reason for this is that Cukor's local memory is not storage but instead a temporary buffer such that a document scanned today is erased tomorrow and thus irretrievable at the local level contrary to the Examiner's assertion.

In further support of the Examiner's assertion that Cukor provides "storage," the Examiner cites to column 7, lines 39 - 44 and column 10, lines 46 - 51. See item 8 on page 3 of paper #12. While the word "storage" does appear in these cites, the Examiner fails to realize that the "storage" discussed by Cukor is merely a temporary buffer which is not used to retrieve images. Instead the temporary buffer of Cukor is used to hold the images until they are transmitted to the central processing site as stated in column 11, lines 1-3 ("[t]he document images are retained on the magnetic storage at the remote stations until the archive acknowledgment signal is received.") (emphasis added). See also column 10, lines 50 - 54.

Conclusion

For the foregoing reasons, Applicants respectfully submit that the application is in condition for allowance in view of the cited prior art. Claims 33-43 are pending. If any fees are

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required in connection with this filing, the Commissioner is hereby authorized to charge Deposit

Account no. 501458.

Respectfully submitted,

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